



November 28, 2005

**Submitted Electronically via  
ECFS**

Elana Shapochnikov  
Associate General Counsel  
Net2Phone, Inc.  
520 Broad Street  
Newark, NJ 07102  
Tel: (973) 438-3686  
Fax: (973) 438-3100  
eshapo@net2phone.com

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743  
Attention: Office of the Secretary

**Re: RE: WC Dockets 04-36 and 05-196  
Compliance Letter**

Dear Ms. Dortch:

Net2Phone, Inc., and its subsidiaries, (collectively “Net2Phone”) respectfully submit this Compliance Letter in response to the Enforcement Bureau’s Public Notice issued November 7, 2005 regarding the Federal Communications Commission’s (“FCC” or “Commission”) rules governing enhanced 911 (“VoIP E911 Order”).<sup>1</sup> Net2Phone’s direct to consumer broadband voice service consists of devices that function with any high-speed

---

<sup>1</sup> *In the Matter of IP-Enabled Services and E911 Requirements for IP-Enabled Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC (rel. June 3, 2005) (“*VoIP E911 Order*”). *See also*, Public Notice, *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, DA 05-2945 (rel. Nov. 7, 2005).

broadband connection to enable customers to make and receive calls from telephone numbers assigned to the devices. Incorporated by reference into this Compliance Letter are Net2Phone's prior Compliance Reports filed in this Proceeding on August 10, 2005, September 1, 2005, and September 22, 2005.

1. 911 Solution: Provide a quantification, on a percentage basis, of the number of subscribers to whom the provider is able to provide 911 service in compliance with the rules established in the VoIP E911 Order.

Response: Net2Phone provides E911 services in compliance with the Commission's VoIP E911 Order to approximately twenty seven percent (27%) of its direct to consumer customers as of November 7, 2005.

- 1.1 911 Routing Information/Connectivity to Wireline E911 Network: A detailed statement as to whether the provider is transmitting, as specified in Paragraph 42 of the VoIP E911 Order, "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."<sup>2</sup>

Response: Net2Phone is an information service provider, not a common carrier with rights of interconnection. Accordingly, like many VoIP providers, Net2Phone has not negotiated directly with ILECs to provide E911 services, but is able to provide such services through contracts with third party E911 providers. Net2Phone has obtained the following information from its underlying E911 service provider with respect its E911 services. The E911 service Net2Phone receives is indirectly connected (through Net2Phone's third party E911 service provider) to all Selective Routers within its available E911 service area. All 9-1-1 dialed calls made using E911-enabled telephone numbers are routed by Selective Routers to the appropriate PSAP on dedicated trunk lines or are otherwise directly routed to the appropriate PSAP by Net2Phone's third party E911 provider. Net2Phone's underlying E911 provider has also confirmed that it does not provide service in rate centers served by PSAPs that are not E911 enabled. Thus, 100% of the PSAPs associated with Net2Phone's E911 service are capable of receiving ANI and retrieving ALI (i.e., are E911 enabled).

---

<sup>2</sup> *VoIP 911 Order*, 20 FCC Rcd at 10269-70, ¶ 42 (footnote omitted).

- 1.2 If the provider is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, this statement should include a detailed explanation why not. In addition, the provider should quantify the number of Selective Routers to which it has interconnected, directly or indirectly, as of November 28, 2005.

Response: Net2Phone has contracted with four third-party providers for its E911 access. Even when Net2Phone combines the E911 coverage areas of all of its providers, it will not have access to E911 coverage in approximately thirty percent (30%) of the country as of the date of this filing. Net2Phone continues its efforts to increase its E911 coverage. Based on the information Net2Phone has obtained from its underlying E911 providers, Net2Phone has indirect access to approximately 324 Selective Routers in its E911 service territory.<sup>3</sup>

- 1.3 Transmission of ANI and Registered Location Information:  
Provide a detailed statement as to whether the provider is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information. This information should include:

Response: As a provider of VoIP services in small-markets and rural areas, Net2Phone provides E911 services in compliance with the VoIP E911 Order in those areas where Net2Phone's third-party providers offer E911 access ("*E911 Markets*"). Emergency calls in *E911 Markets* are routed through selective routers (where selective routers are available) by Net2Phone's third-party providers to the geographically appropriate PSAP based on the Registered Location provided to Net2Phone by the end user. Net2Phone's E911 service passes along to all E911-capable PSAPs in Net2Phone's E911 Markets both the Automatic Location Information ("ALI") based on the user's Registered Location and the Automatic Numbering Information ("ANI") associated with the call.

- (i) Provide a quantification, on a percentage basis, of how many answering points within the provider's service area are capable of receiving and processing ANI and

---

<sup>3</sup> The Selective Router count is based on information provided to Net2Phone by its third party E911 providers and is current as of October 20, 2005. Accordingly, this number does not reflect any additional Selective Routers to which Net2Phone has gained access after that date.

Registered Location information that the provider transmits;

Response: All 9-1-1 dialed calls made using Net2Phone's E911-enabled telephone numbers are routed by Net2Phone's third party E911 provider through Selective Routers to the appropriate PSAP on dedicated trunk lines or are otherwise directly routed to the appropriate PSAP by Net2Phone's third party E911 provider. Net2Phone's underlying E911 provider has confirmed that it does not provide service in rate centers served by PSAPs that are not E911 enabled. Thus, based on information from Net2Phone's E911 provider, 100% of the PSAPs associated with Net2Phone's E911 service, where available, are capable of receiving ANI and retrieving ALI (i.e., are E911 enabled).

- (ii) Provide a quantification of the number of subscribers, on a percentage basis, whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information.

Response: As of November 7, 2005, approximately twenty seven percent (27%) of Net2Phone's direct customers are receiving E911 service.

- (iii) If the provider is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.

Response: Net2Phone relies on third-party providers for E911 services because of cost factors, technical limitations, and access issues.<sup>4</sup> Net2Phone is an information service provider and not a common carrier with rights of interconnection. Thus, like other VoIP providers, Net2Phone is able to provide such services through contracts with third-party vendors such as Level 3, IDT, and Intrado as recommended by the VoIP E911 Order.<sup>5</sup> Third-party vendors have made it clear that they will not have systems compliant with the VoIP E911 Order available in all areas of the country by the

---

<sup>4</sup> See *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, [Nuvio Corp., et al.,] Motion for Partial Stay, at 6 (“*Nuvio Petition*”) (“Since Movants could not create their own E911 solution that would conform with the *Order*, Movants contacted third-party solution providers . . .”).

<sup>5</sup> *VoIP E911 Order* at 10270, ¶ 40.

November 28th deadline.<sup>6</sup> This is especially true in the rural and less densely populated areas served by Net2Phone.

1.3911 Coverage: To the extent a provider has not achieved full 911 compliance with the requirements of the VoIP E911 Order in all areas of the country by November 28, 2005, the provider should:

- (i) Describe in detail, either in narrative form or by map, the areas of the country, on a MSA basis, where it is in full compliance and those in which it is not.

Response: Please see response to Question 1.3(iii) above. The map in Exhibit A illustrates Net2Phone's E911 coverage area based on the services provided to Net2Phone by its third-party 911 providers.

- (ii) Describe in detail its plans for coming into full compliance with the requirements of the VoIP E911 Order, including its anticipated timeframe for such compliance.

Response: Net2Phone has entered into agreements with third party providers to expand its existing E911 coverage into areas that are not yet E911-enabled. Further details on customer transition to E911 are provided in response to Question 2 below. Net2Phone has also contracted with its third party providers to transition to a V911 solution once such a solution

---

<sup>6</sup> Net2Phone's experience has been similar to that of RNK and Nuvio. *See E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, Request of RNK, Inc., d/b/a RNK Telecom for a limited Waiver - Expedited Action Requested, at 4 (filed Nov. 3, 2005) ("*RNK Petition*") ("RNK has contacted a majority of the Local Exchange Carriers (LECs) and third party vendors . . . that currently purport to offer some type of E911 solution that complies with the Commission's VoIP E911 Rules. RNK's efforts have revealed that the current E911 solutions are either: 1) not available in particular U.S. states and/or LATAs in which its subscribers are currently located; 2) not fully developed and ready for deployment by November 28, 2005; 3) not compliant with the Commission's Rules (e.g., 911 calls routed to 10-digit NPA-NXX numbers of PSAPs and call center solutions); and/or 4) offer unreasonable contract terms including, but not limited to, lengthy term commitments, excessive start-up fees, and monthly minimum requirements."); *Nuvio Petition* at 6 ("Movants contacted third-party solution providers including Global Crossing, Intrado, Level 3, MCI, Telefinity and TeleCommunications Systems, Inc.. . . [N]o company in the market offers a solution that will cover the entire United States by November 28, 2005.").

becomes generally available to Net2Phone in its service markets and Net2Phone has tested such services. While it continues to research other avenues and providers for full US E911 coverage, Net2Phone notes that E911 may not be available in certain rural and sparsely populated areas of the country. This is especially true for areas served by a rural ILEC subject to an interconnection exemption where access to selective routers through interconnection may not be technically, economically, or operationally feasible. Net2Phone cannot predict with certainty as to when its third party providers will expand their E911 and V911 service coverage.

- 2 Obtaining Initial Registered Location Information: Provide a detailed description of all actions the provider has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location. This information should include, but is not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the provider has obtained the Registered Location.

Response: When a new customer enters Net2Phone's website, they are taken through the sign-up process described in Net2Phone's Compliance Report of August 10, 2005 in this Proceeding. After customers enter their information, including service address (corresponding to the physical location where they intend to use their device), ("Registered Address"). Net2Phone then stores the Customer's Registered Address in its database. For those customers receiving E911 service, Net2Phone forwards the customer's Registered Address to its third party E911 providers who then populate the relevant E911 databases with the Registered Address which may occur five (5) or more days after initial service activation.

Net2Phone plans to transition approximately fifty one percent (51%) of its existing non-E911 customers to E911 starting the week of December 14, 2005 ("transition date"). Customers will not be required to pay any additional costs to receive E911 service. In order to determine which of Net2Phone's existing non-E911 customers were within Net2Phone's E911 service areas Net2Phone used the service address provided when these customers initially signed up for service. During the week of December 5, 2005, and prior to E911 transition, these customers will be sent an e-mail notification asking them to confirm that their service address with Net2Phone for purposes of E911. Following transition to E911, Net2Phone plans to send these customers a follow-up e-mail notifying them of their new E911 service and asking customers to call Net2Phone if there are any changes to their Service Address. Net2Phone plans to investigate any service address changes that fall outside of Net2Phone's E911 footprint for these transitioned customers. Net2Phone expects that once transition to E911 is

complete for customers within Net2Phone's E911 footprint, approximately seventy seven percent (77%) of Net2Phone's existing customers will receive E911 service.

- 3 Obtaining Updated Registered Location Information: A detailed description of the method(s) the provider has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the provider is offering its subscribers at least one option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.

Response: Customers can update their registered address by dialing 611 or Net2Phone's toll free customer service number from their Net2Phone device to reach Net2Phone's Customer Service Center on Monday through Friday, 8:00am and 10:00pm EST, and Saturday and Sunday, 8:00am to 4:00pm EST. Net2Phone is developing an additional functionality to its customer web service to enable customers to update their Registered Address online.

- 4 Technical Solution for Nomadic Subscribers: A detailed description of any technical solutions the provider is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.

Response: Net2Phone does not actively market or advertise its services as nomadic and only supports permanent address changes that fall within its E911 service footprint. Net2Phone continues to work with third-party providers to fortify and expand its existing 911 services with additional functionalities to ensure that customers are always able to reach help in the most efficient way without requiring any additional action from the customer. Net2Phone's goal is to provide a simple and elegant solution that ensures that the customer experience in calling 911 is easy and reliable. In continuing to work with leading third-party providers toward a long-term solution, Net2Phone's goal is to bring the best emergency response services to its customers. To that end, Net2Phone has already contracted with a third-party vendor to purchase a V911 solution when such solution becomes generally available. Even the V911 solution, however, will not likely reach rural and sparsely populated areas in the near future. Net2Phone's third party V911 provider has indicated that V911 will first be rolled out in major metropolitan areas. There is no guarantee when V911 will be deployed in all of the rural and sparsely populated markets. Accordingly, Net2Phone is still evaluating its course of action with respect to its services in areas where E911 is not presently reasonably accessible through third party providers.

Respectfully submitted,

[electronically filed]

Elana Shapochnikov

cc via e-mail:

Byron McCoy, [byron.mccoy@fcc.gov](mailto:byron.mccoy@fcc.gov);

Kathy Berthot, [kathy.berthot@fcc.gov](mailto:kathy.berthot@fcc.gov);

Janice Myles, [janice.myles@fcc.gov](mailto:janice.myles@fcc.gov); and

Best Copy and Printing, Inc. (BCPI), [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).



## Exhibit A